

Chapter 17

AIRPORT OVERLAY ZONE (AOZ)

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16-17-010 Purposes.

The principal purpose of this Chapter is to provide land-use planners with guidelines for appropriately dealing with the reality that the existence of the Morgan County Airport, and the conduct of flight operations from that airport, are of such nature as to require careful consideration and the exercise of a special and comprehensive evaluation process in connection with any proposed re-zoning and subsequent development in the vicinity of the airport. This is in the interests of assuring, to the extent possible, that any such re-zoning and/or subsequent development(s) and the airport will be compatible each with the other, and that neither will be inimical to the interests of the other. Purposes subservient to this principal purpose include:

1. To establish and define the boundaries (external boundary, and internal sub-boundaries) of the AOZ created by this chapter within which such special evaluation processes shall apply.
2. To establish uniform standards and requirements that shall apply to any proposed development(s) within the AOZ, whether on or off airport.
3. To establish standards for permitted and conditional uses (both on and off airport), and to establish appropriate use restrictions.

16-17-020 Definition of AOZ Boundaries.

For the sake of convenience and uniformity, both the external boundary and internal sub-boundaries shall conform to, and be defined by certain of those boundary criteria established in the Code of Federal Regulations (CFR) 49, Part 77 (hereinafter referred to as Federal Aviation Regulations Part 77 or "FAR Part 77") for purposes of determining whether obstructions exist in navigable airspace.

1. Outer Boundary: Shall conform to that perimeter established by the periphery of the "Horizontal Surface" defined under FAR 77.25(a), and described below. (A very close approximation of this boundary would be that line drawn around the airport that is everywhere 1 mile from the nearest point on the runway.)
2. Primary Surface: A surface on the ground, and longitudinally centered on the runway. This surface is 250 feet wide (125 feet each side of the runway centerline and extended centerline), and extends 200 feet beyond each end of the runway.
3. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by the arcs, and lines tangent to those arcs constructed by swinging 5,000 ft. lines from the center of each end of the Primary Surface.
4. Approach Surface: A surface longitudinally centered on the extended runway centerline and extending outward and upward for 5,000 feet at a 20 to 1 slope from the two ends of the Primary Surface. The Approach Surface has a width of 250 feet on the ground, and widens uniformly to

1,250 feet at its outer end.

5. Transitional surface: Those surfaces starting at ground level and extending outward and upward at right angles to the runway centerline and extended centerline at a 7 to 1 slope from the sides of the Primary Surface and the Approach Surfaces, until intersecting the Horizontal Surface defined in 3, above.
6. Runway Protection Zone (RPZ): The location and dimensions of the RPZ are not defined in FAR Part 77 (rather, this information is to be found in FAA Advisory Circular (AC) 150/5300-13 - "Airport Design). However, since lying within the AOEZ, and since certain language in this chapter is referential to the RPZ, the location and dimensions of the RPZ are herewith described as follows: "The RPZ is an area on the surface that begins at the end of the Primary Surface and extends along the boundaries of the Approach Surface until 1,200 feet from the end of the runway."

16-17-030 Development Restrictions and Standards Within the AOEZ

1. Future petitions for rezoning that will not be favorably considered:
 - a. Beneath the Approach Surfaces on both ends of the runway starting at the runway ends and extending out, on the south end, to "Old Highway Road," and on the North end, for 2,500 feet, any residential rezoning to any higher residential density than was approved and in place at the time this LUMC change was implemented.
 - b. Within the same areas described in a., above, any type of rezoning that would result in high concentrations of people (e.g., schools, churches, medical facilities, etc).
 - c. Beneath the Approach Surfaces, extending from the outer boundaries established in a., above, and on out to 5,000 feet, any residential rezoning to a more dense concentration than RR-5 shall only be approved if the development proposal clusters the home locations outside of the Approach Surface.
 - d. Along the Northwest perimeter of the airport, rezoning from MD to residential any of the land within the following described area: A strip starting at the runway centerline and extended centerline, and extending laterally outward for 500 feet, and of a length such that each end of this strip coincides with the outer end of the Runway Protection Zones (RPZ) on either end.
2. Building restrictions within the Runway Protection Zones (RPZ)
No structures shall be erected within either RPZ additional to those already in place, unless, at the time this LUMC change was implemented, either the erection of such structure had been previously approved, or upon lots within the Cottonwood Commercial Park as approved by Conditional Use Permit in conformance with the LUMC.
3. Construction Standards upon the airport:
No person may construct, erect, remodel, or rehabilitate any structure upon the Morgan County Airport except in compliance with all applicable codes; FAR Part 77; and the approved Airport Master Plan. The County Building Inspector shall interpret and apply these standards. Aircraft hangars and associated uses, and any other buildings as may be erected upon the airport, shall conform to the following standards: Buildings will be metal clad; Buildings will be off-white in color with green trim; Metal clad roof will be white in color to match the rest of the building; Roof lines will be a 4/12 pitch; Wall heights on buildings will be 14 feet; Building must conform to the building code adopted by Morgan County.

16-17-040 Other Mandatory Standards and Requirements.

All future development within the confines of the AOEZ (whether on or off airport) that will involve new construction or the alteration of existing structures, shall be found to be in conformance with FAR Part 77 prior to approval. The procedure for making this determination shall be:

1. Determine whether proposed construction or alteration will be captured by either of the following three criteria (as extracted from FAR Part 77.13): a) Will the construction or alteration exceed 200 feet in height above the ground level at its site? b) Will the construction or alteration penetrate an imaginary surface extending outward and upward at a 100 to 1 slope from the nearest point on the runway? c) Will the construction be on the airport itself? If the proposed construction or alteration is not captured by any of these criteria, then FAR Part 77 requirements have been satisfied. If the proposed construction or alteration is captured by any of these criteria, then prior to approval, the following actions shall have been taken:
 - a. The sponsor of the proposed construction or alteration shall complete and transmit one completed set (four copies) of FAA form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office in Seattle, IAW the provisions of FAR Part 77.17.
 - b. The FAA shall have acknowledged receipt, and responded with findings, which, as a minimum, must include the finding that "the proposed construction or alteration would not be a hazard to air navigation." (Ref FAR Part 77.19)

16-17-050 Additional Evaluation Guidelines.

Satisfaction of the mandatory requirement to comply with FAR Part 77 airspace criteria in no way either directly or indirectly assures compatibility of the proposed criteria in certain other areas of potential conflict (principally, noise and safety). And, the nature and magnitude of such conflict will vary based upon the following three principal factors: 1) What is the nature of the proposed development? 2) At what physical distance from the airport is it located? 3) Under which particular sub-boundary(s) of the AOZ is it located (e.g., Approach Surface, Horizontal Surface, etc.). Prior to conditional approval being granted for any off-airport development within the AOZ, the relationship of these factors to the noise and safety factors will be carefully evaluated.

1. Noise Factor This factor is essentially "people related," and becomes significantly and progressively more important as larger numbers of people in a "living environment" (homes, churches, schools, etc.) are impacted. Aircraft noise is generally much less a nuisance factor to people in working environment, particularly where that environment is industrial in nature. The noise "footprint" to be expected is partly a function of pure physical distance from the airport, but is most significantly a function of the particular AOZ subdivision below which or near, with the Approach Surface (and nearby areas) experiencing the most frequent and loud noise signatures, because in these areas the airplanes on takeoff are low, and are, of necessity, operating engines at full power.
2. Safety Factor: It is well documented statistical fact that well over half of all general aviation accidents that occur, occur on or within 1 mile of an airport. The off-airport aircraft accident pattern is further concentrated in-and-near the approach and departure flight paths. Consequently, the areas of most critical concern for safety of persons on the ground near the airport underlie the Approach Surfaces and near vicinities, and it is therefore important to critically review proposed developments in these areas that would involve large numbers of and/or dense constructions of people. (e.g., homes, churches, schools, and similar).

16-17-060 Permitted Uses and Use Restrictions.

1. On-airport: On-airport uses shall *generally* conform to those uses falling within the purview of "Aeronautical Activity," which is "any activity that involves, makes possible, or is required for the flight or ground operation of any aircraft, or which contributes to or is required for the safety of such operation." Within this general guideline, specific activities shall be either "Permitted," or "Conditional Use" activities, as is outlined below:
 - a. Non-Commercial Aeronautical Activity: Any use falling within this category shall be a "Permitted Activity." (Examples would include the erection and occupancy of privately owned aircraft hangars; the basing, operation, and maintenance of personally owned aircraft,

etc.) No private aircraft owner shall be prohibited from performing, on their own equipment, those specific preventative maintenance routines as are outlined in Appendix A of FAR Part 43, whether such performance is within a privately owned hangar, or on a ramp or tiedown. Private hangar owners may maintain and/or store in their hangars such non-aeronautical equipment as boats, travel/utility trailers, automobiles, etc., provided such use of that hangar is only incidental and secondary to its primary use as an aircraft maintenance and/or storage facility.

- b. Commercial Aeronautical Activity: No person shall conduct a Commercial Activity of any nature that is based on or operated from the Morgan County Airport, unless conduct of that activity has been approved by the Morgan County Council. Any Aeronautical Activity that is conducted as a "Commercial Activity or Enterprise." [Examples of such activity would include: Fixed Base Operator (FBO), air taxi and charter operation, pilot training, aerial photography and surveying, aerial application of chemicals, aerial advertising, aircraft sales and service, aircraft parking and storage, sales of aviation petroleum products, maintenance and repair of aircraft, sales of aircraft parts, etc.] Any use falling under this category shall be conducted under the terms of both an appropriate Conditional Use Permit, and a Business License. Every person conducting any form of Commercial Activity on or from the Morgan County Airport must maintain a public liability insurance policy, of type and amount approved by the Morgan County Council.
 - c. Non-Aeronautical Activity: Certain commercial activities of a nature other than "Aeronautical Activity" may be permitted upon the airport, provided that such activities are not in any way inimical to any Aeronautical Activity, and that the activity is of a type generally "service orientated" toward Aeronautical activities (e.g., an airport food-service facility). Any such activity shall be conducted under the terms of both an appropriate Conditional Use Permit, and a Business license.
- 2. Off-airport: Off-airport permitted and conditional uses within the AOE shall conform to the nature of current zoning or such future re-zoning as may be petitioned for and approved, with the additional requirement that any development within 1/2 mile laterally from the runway centerline and extended centerline out to the periphery of the Horizontal Surface, will require the execution of Avigation and Hazard Agreements by all affected persons (within the legal meaning of person), with all such Agreements to "run with the land."
 - 3. Prohibited Use: No on or off-airport use is permitted that would create an interference with radio signals between an aircraft and the airport, impair flight visibility in the vicinity of the airport, or would in any other way create a hazard to, or endanger the takeoff, landing, or airport-vicinity maneuvering of any aircraft.
 - 4. Penalty Provisions: Any person who, after being formally charged with the violation of any provision of Chapter 17 of the LUMC, and is subsequently found guilty on such charges, shall be deemed guilty of a Class B misdemeanor, punishable as provided by law or by provisions found in the LUMC.

16-17-070 IMPLEMENTATION

- 1. Measures necessary to satisfy the intent of this chapter (e.g., denial of a petition for rezoning that is found to be inappropriate) shall be accomplished, to the extent possible, through proper exercise of the Police Power.
- 2. It is not the intent of this chapter to prohibit development of property in the AOE, but rather to assure that such development occurs in a manner that promotes harmony and enhances safety for the citizens of Morgan County.

16-04-035 Airport Related Definitions.

1. AERONAUTICAL ACTIVITY. Any activity that involves, makes possible, or is required for the flight or ground operation of any aircraft, or which contributes to or is required for the safety of such operation.

2. AIRPORT. Airport means any area of land which is used, or intended for use for the landing and taking-off of aircraft, and any appurtenant areas which are used, or intended for use, for aircraft buildings or other airport facilities or rights of way, together with all airport buildings and facilities located on them (see Utah Code Section 72-10-301).

3. COMMERCIAL ACTIVITY. Any activity involving "holding out to the public" and that is conducted for personal or collective gain.

4. COMMERCIAL AERONAUTICAL ACTIVITY. Any "Aeronautical Activity" that is conducted as a "Commercial Activity" as defined herein. Examples would include: Fixed Base Operator (FBO), air taxi and charter operation, pilot training, aerial photography and surveying, aerial application of chemicals, aerial advertising, aircraft sales and service, aircraft parking and storage, sale of aviation petroleum products, maintenance and repair of aircraft, and sale of aircraft parts. This term would include any entity performing as a "Specialized Service Operator" or as a "Specialized Aircraft Service Operator" as defined herein.

5. FIXED BASE OPERATOR (FBO). An entity performing a broad range of basic aviation related services such as: aviation fuel and oil sales, ramp parking and tiedown, hangar storage, aircraft repair and parts sales, flight training, etc.

6. NONCOMMERCIAL AERONAUTICAL ACTIVITY. Any "Aeronautical Activity" as defined herein that is conducted as a private venture and not for profit, e.g., the operation of a personally owned, leased, or rented aircraft, keeping of a personally owned aircraft hangar, maintenance of a personally owned aircraft, operating as a "Flying Club", etc.

7. SPECIALIZED AIRCRAFT SERVICES OPERATOR. An entity providing repairs and/or sale of aircraft radios, propellers, instruments, accessories, or, who performs painting, upholstery or similar types of work or services.

8. SPECIALIZED SERVICES OPERATOR. An entity providing only limited, specialized aircraft related services such as: Flight training, glider towing, air-taxi operations, aircraft sales, aircraft and/or engine repair, aircraft rental, or other aeronautical related service.

EXHIBIT
Airport Overlay Zone Map